

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN JERRY O'NEIL**, on February 25, 2003 at 11:05 A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Jerry O'Neil, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Brent R. Cromley (D)
Sen. Bob DePratu (R)
Sen. John Esp (R)
Sen. Trudi Schmidt (D)
Sen. Emily Stonington (D)

Members Excused: Sen. Dan Harrington (D)

Members Absent: None.

Staff Present: Dave Bohyer, Legislative Branch
Andrea Gustafson, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:
Executive Action: SB 451; SB 449; HB 321

EXECUTIVE ACTION ON SB 451

Motion: SEN. ESP moved that SB 451 DO PASS.

Discussion:

SEN JOHN ESP, SD 13, Big Timber, passed out amendment SB045101.adb that addressed the title. "assistance" was stricken and "treatment" was inserted. On Page 1, line 18, the phrase "and medicare-eligible" was stricken. Further down on line 29, "(v) a tobacco use resource center;" was inserted and subsequent sections were renumbered. Page 2, line 17, following "provide" the word "matching" was inserted. "Assist" was stricken and "secure federal funds to treat" was inserted. "and medicare-eligible" was stricken. The last change was on Page 3, line 11 striking "assist" and inserting "treat."

Motion/Vote: SEN. ESP moved that AMENDMENT SB045101.ADB DO PASS.
Motion carried 5-1 with DEPRATU voting no.

SEN. ESP asked for a DO PASS. It was a valid thing to ask the voters to look at again to see if they would be willing to approach it. This would give the legislature more flexibility on how to deal with the funds. He said he would be willing to look at other ways to percentage it out later in the process. For now he wanted to move the bill out so it could be debated on the floor.

SEN. DUANE GRIMES, SD 20, Clancy, spoke to the motion. He said with regard to the arguments made to the nature of tobacco use and what it did to people, it was a time of crisis. He said he could not in good conscious not look for an alternative for voters because of the acute problems in the entire mental health system. As a representative, he had to send it back out for a vote.

SEN. JOHN BOHLINGER SD 7, Billings, said he realized that 75% of his district supported the initiative, as did he. He thought the committee had been privileged to receive new information that would state the need for providing mental health care that would be ignored if new funding sources were not provided. He said he was bringing forward several revenue bills that would provide needed monies that could fill the gap. He said he would support **SEN. ESP's** motion.

Motion/Vote: SEN. ESP moved that SB 451 DO PASS AS AMENDED.
Motion carried 5-1 with DEPRATU voting nay.

EXECUTIVE ACTION ON SB 449

SEN. GRIMES asked to reconsider action on SB 449 since it was not recorded out and put the amendment on so that it would not have to be done on the floor.

Motion/Vote: **SEN. GRIMES** moved that **RECONSIDER ACTION ON SB 449 DO PASS**. Motion carried unanimously.

Motion/Vote: **SEN. GRIMES** moved that **SB 449 BE AMENDED**. Motion carried unanimously.

Discussion:

SEN. GRIMES passed out recommended amendments to SB 449.

EXHIBIT (phs42a01)

SEN. BOHLINGER said the interests of the Native American population perpetuated in SB 449. He said it may not meet with **REP. WINDY BOY**'s approval but thought it would meet with the approval of Ms. Alvarez. It would be adequate language for the objections she had.

SEN. DEPRATU acknowledged **REP. WINDY BOY**'s cultural and spiritual beliefs. He said that after he analyzed what **REP. WINDY BOY** was saying, he realized that **REP. WINDY BOY**'s beliefs would prevent him from doing anything with the bill because an attempt to lengthen life went against those beliefs, that the Supreme Being regulated birth and death and that man should not interfere.

SEN. BOHLINGER thought the question should be asked of why the infant mortality on reservations was twice that of the general population. He said if he were a member of one of the Indian tribes and had young children, he would want to do everything he could to protect their lives. He would want to see to it they were raised in a healthy environment. He said he would support the measure.

Motion/Vote: **SEN. GRIMES** moved that **SB 449 DO PASS AS AMENDED**. Motion carried 7-2 with **HARRINGTON** and **SCHMIDT** voting nay by proxy.

EXECUTIVE ACTION ON HB 321

Motion: SEN. CROMLEY moved that HB 321 BE AMENDED.

Discussion:

SEN. BRENT CROMLEY, SD 9, Billings, asked that a new section be inserted on Page 4, line 28 with an effective date, stating that the act be effective on passage and approval. He said the word "and" following "tasks" should be stricken and following the word "MCA" the phrase "; and providing an immediate effective date" be inserted in the title on Page 1, line 9.

Motion/Vote: SEN. O'NEIL moved that AMENDMENT BE CONCURRED IN.
Motion carried 8-0.

Motion/Vote: SEN. O'NEIL moved that HB 321 BE CONCURRED IN AS AMENDED. Motion carried 8-0.

SEN. SCHMIDT and SEN. STONINGTON came in after executive action took place. SEN. SCHMIDT wanted to know if executive action had already taken place on SB 451. SEN. O'NEIL asked which way she had wanted to vote and she said NO and said SEN. HARRINGTON has left his proxy and it was a NO as well. SEN. STONINGTON said to put her down as a YES.

ADJOURNMENT

Adjournment: 11:25 A.M.

SEN. JERRY O'NEIL, Chairman

ANDREA GUSTAFSON, Secretary

JO/AG

EXHIBIT (phs42aad)